

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN FRANCIS HUTCHENS,  
Plaintiff,  
v.  
ALAMEDA COUNTY, et al.,  
Defendants.

Case No.: 4:11-cv-06478-YGR

**ORDER DISMISSING PLAINTIFF'S AMENDED  
COMPLAINT AGAINST REMAINING  
DEFENDANTS FOR FAILURE TO SERVE AND  
PROSECUTE ACTION**

On July 9, 2012, the Court issued an Order to Show Cause Why This Action Should Not Be Dismissed for Failure to Serve or Prosecute ("Order to Show Cause"). (Dkt. No. 28.) Having failed to appear at a Case Management Conference on July 9, 2012, Plaintiff was ordered to file a written response to the Order to Show Cause by July 27, 2012, if he contested dismissal of the action based on a failure to serve remaining defendants or prosecute the action. *Id.* The Order to Show Cause hearing is scheduled for August 10, 2012.


In the Order to Show Cause, the Court informed Plaintiff that Federal Rule of Civil Procedure 4(m) required that a defendant must be served within 120 days from the date the lawsuit was filed, and that the 120-day period would expire on July 17, 2012. The Court stated that "Plaintiff's failure to provide proof of service with his written response or failure to appear personally will be deemed an admission that no good cause exists to continue prosecuting this action and the case will thereafter be dismissed." *Id.* (emphasis in original).

Plaintiff failed to provide a written response to the Order to Show Cause by July 27, 2012 and has failed to provide proof of service that remaining defendants have been served. By these actions,

1 Plaintiff has admitted that no good cause exists to continue with this action. For the foregoing  
2 reasons, this action is **DISMISSED WITHOUT PREJUDICE**.

3 **IT IS SO ORDERED.**

4  
5 Dated: August 1, 2012

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7 **YVONNE GONZALEZ ROGERS**  
8 **UNITED STATES DISTRICT COURT JUDGE**